

Amendment to the Drawings

The attached Replacement Sheets of drawings include changes to Figures 1, 2 and 3. In the amended Figure 1, reference numerals have been relocated outside of corresponding boxes and descriptive text labels have been added to the boxes. In the amended Figure 2, minor typographical errors have been corrected and descriptive text labels have been added to the boxes. In the amended Figure 3, demarcation lines have been added to clearly show separation of the various example neighborhood definitions a) - h).

Attachment: Replacement Sheets
Annotated Sheets Showing Changes

REMARKS

By this amendment, the specification, drawings, and claims 1-13 have been amended. The amendments to the specification provide clarification of references to the figures and correction of typographical errors. Claims 1-13 remain in the application. This application has been carefully considered in connection with the Examiner's Action. Reconsideration and allowance of the application, is respectfully requested.

The Drawings

The drawings stand objected to because they lack descriptive labels. This objection is believed overcome for at least the following reason. As presented herein, Figures 1-3 have been amended to include appropriate labels to the boxes contained in the respective figures. Support for the amendment to Figures 1-3 can be found in the specification at least in paragraphs [0034]-[0036], [0038], [0042], and [0044] – [0047]. Objection to the drawings is now believed overcome.

Figure 1 stands objected to because the boxes in figure 1 are not numbered outside the box. This objection is believed overcome for at least the following reason. As presented herein, Figure 1 has been amended to place the reference numerals representative of the boxes outside each respective box contained in the figure. Objection to Figure 1 is now believed overcome.

Figure 3 stands objected to because it contains parts a) through h) and the specification refers to figure 3f in paragraph 44. The office action recommends that figure 3 be split into parts a) - h). The office action further recommends that the figures be consistent with the specification since the specification refers to figure 3f in paragraph 44, which does not currently exist. As now presented, this objection is believed overcome for at least the following reason. Figure 3 has been amended to clearly delineate the examples a) – h) contained in the figures. In addition, the

specification as it refers to Figure 3 in paragraph [0044] has been amended as appropriate. Objection to Figure 3 is now believed overcome.

The Specification

The office action objects to the specification as lacking headings. Applicant respectfully declines to add the headings, as they are not required in accordance with MPEP §608.01(a).

The office action objects to the specification as lacking cross reference to the foreign priority application or the PCT application. As presented herein, the specification has been amended to include a cross reference to the priority application. The objection to the specification is now believed overcome.

The abstract of the disclosure was objected to as not being of the proper language and format; and, in particular, the abstract of the disclosure was object to because the abstract uses "said". This objection is traversed for at least the following reason. As presented herein, the abstract has been amended to include proper language and format. The objection to the abstract is now believed overcome.

Rejection under 35 U.S.C. §112

Claim 13 was rejected under 35 U.S.C. §112 first and second paragraphs as attempting to define a product (i.e., machine or apparatus) entirely by virtue of its function, in the absence of any recited structure. This rejection is traversed for at least the following reason. As presented herein, claim 13 has been amended to include recited structure of processing components, memory, and software modules. Based upon the specification, and as can be inherently interpreted thereby, the data processing equipment includes various components (i.e., processor and memory) for correcting X-ray images. The components are implemented in the form of software

modules. In addition, candidate defective picture elements are "entered in a candidate map, C_map" (paragraph [0038], Fig. 2) (i.e., wherein the candidate map stores candidate defective picture elements and as such can reasonably be interpreted to include a memory). Support for the amendments to claim 13 can be found in the specification in at least paragraphs [0024]-[0028], [0031]-[0032], [0034]-[0036], [0038], and Figs. 1 and 2. The rejection to claim 13 is now believed overcome.

Objection to the Claims

Claim 11 was objected to because of informalities. This objection is traversed for at least the following reason. As presented herein, claim 11 has been amended to now recite step (b) instead of step b). The objection to claim 11 is now believed overcome.

Claims 1-2, 4, 10-11 and 13 were objected to because they recited "potentially defective" in quotations. This objection is traversed for at least the following reason. As presented herein, claims 1-2, 4, 10-11 and 13 have been amended to remove the quotation marks from the expression "potentially defective". The objection to the claims is now believed overcome.

Rejection under 35 U.S.C. §102

Claims 1, 4-7 and 9-13 were rejected under 35 U.S.C. §102(b) as being anticipated by Eck et al. (2001/0038706, hereinafter "Eck"). With respect to claim 1, applicant respectfully traverses this rejection for at least the following reasons.

The PTO provides in MPEP § 2131 that
"*to anticipate a claim, the reference must teach every element of the claim....*"

Independent claim 1, as now presented, more clearly recites, inter alia, "refreshing the defect map (D) with the aid of (b.1) the [test number map] T_map and (b.2) the [candidate map] C_map, wherein a first check is performed for each picture

element (p) to determine whether it is entered in the T_map more than a minimum number of times, and a *further check* is performed to determine whether the corresponding picture element (p) has been classified as a *potential defect* more than another minimum number of times, *and responsive to positive outcomes* of the *first and second checks*, *then* refreshing the defect map (D) with all the corresponding picture elements (p) from the candidate map (C_map) *(i)* which have been classified as potentially defective and *(ii)* which also fulfill other criteria" (emphasis added). Support for the amendments to claim 1 can be found in the specification at least in paragraphs [0020]-[0021], [0038], [0042], [0049]-[0050], and in Figs. 1 and 2.

Therefore, with respect to claim 1, to sustain this rejection the **Eck** reference must contain all of the above claimed elements. However, contrary to the examiner's position that all elements are disclosed in the **Eck** reference, that reference does not disclose at least the aforementioned feature of independent claim 1. Therefore, the rejection is not supported by the **Eck** reference and should be withdrawn.

Accordingly, claim 1 is allowable and an early formal notice thereof is requested. Claims 4-7 and 9-12 depend from and further limit independent claim 1 and therefore are allowable as well. Accordingly, the 35 U.S.C. §102(b) rejection thereof has now been overcome.

With respect to claim 13, this rejection is respectfully traversed for at least the following reasons. Claim 13 has been amended herein in a similar manner with respect to the amendments to claim 1. Claim 13 is thus believed allowable for similar reasons presented herein above with respect to overcoming the rejection of claim 1. Accordingly, the 35 U.S.C. §102(b) rejection thereof has now been overcome.

Rejection under 35 U.S.C. §103

Claims 2-3 stand rejected under 35 U.S.C. §103(a) as being unpatentable over **Eck** in view of Conrads et al (6246746, hereinafter "**Conrads**"). With respect to claims 2-3, Applicant respectfully traverses this rejection for at least the following reasons. Claims 2-3 depend from and further limit independent claim 1 and therefore are allowable as well. Accordingly, the 35 U.S.C. §103(a) rejection thereof has now been overcome.

Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over **Eck** in view of Lin et al (6747697, hereinafter "**Lin**"). With respect to claim 8, Applicant respectfully traverses this rejection for at least the following reasons. Claim 8 depends from and further limits independent claim 1 and therefore is allowable as well. Accordingly, the 35 U.S.C. §103(a) rejection thereof has now been overcome.

Conclusion

Except as indicated herein, the claims were not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents. Applicants furthermore reserve their right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or a continuation application. In addition, the Office Action contains a number of statements characterizing the claims, the specification, and the prior art. Regardless of whether such statements are addressed by Applicant, Applicant refuses to subscribe to any of these statements, unless expressly indicated by Applicant.

It is clear from all of the foregoing that independent claims 1 and 13 are in condition for allowance. Claims 2-12 depend from and further limit claim 1 and therefore are allowable as well.

The matters identified in the Office Action of March 26, 2010 are now believed resolved. The amendments herein are fully supported by the original specification and drawings; therefore, no new matter is introduced. An early formal notice of allowance of claims 1-13 is requested.

Respectfully submitted,

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